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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,848	06/12/2001	Neal D. Hartsell	SURG:154	3678

7590 09/22/2004  
O'KEEFE, EGAN & PETERMAN, L.L.P.  
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EXAMINER

HU, JINSONG

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/879,848	Applicant(s) HARTSELL ET AL.	
	Examiner Jinsong Hu	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 <sup>days 74</sup> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-167 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - A. Claims 1-12, drawn to a system and method for providing differentiated business service in a management environment, classified in class 709, subclass 226.
  - B. Claims 13-37, drawn to a system and method for providing information management services to two or more network entities in a session-aware manner, classified in class 719, subclass 332.
  - C. Claims 38-57, drawn to a system and method for distributing information service in a network, classified in class 709, subclass 229.
  - D. Claims 58-72, drawn to a system and method for providing information management services by the system comprises deterministic system architecture, classified in class 719, subclass 318.
  - E. Claims 73-83, drawn to a system and method for providing services by a management system comprises a network endpoint management system, classified in class 709, subclass 223.

F. Claims 84-103, drawn to a system and method for delivering content by a delivering system, classified in class 709, subclass 238.

G. Claims 104-138, drawn to a system and method for providing services using information management node, classified in class 709, subclass 231.

H. Claims 139-167, drawn to a system and method for providing services to multiple entities, classified in class 709, subclass 212.

2. The inventions are distinct, each from the other because of the following reasons: Inventions A - H are disclosed as different combinations which are not connected in design, operation or effect. These combinations are independent if it can be shown that (1) they are not disclosed as capable of use together, (2) they have different modes of operation, (3) they have different functions, or (4) they have different effects. (MPEP 806.04, MPEP 808.01).

In the instant case, invention A is directed to a method comprises the step of providing business service at an information source. Invention B is directed to a method comprises the step of providing services to the business entities in a session-aware manner. Invention C is directed to a method comprises the step of distributing information by a plurality of interconnected processing engines. Invention D is directed

to a method comprises the step of providing services based on based on different subscriber. Invention E is directed to a method comprises the step of providing services based on the information from the endpoint management system. Invention F directed to a method comprises the step of delivering content to user by a content source. Invention G is directed to a method comprises the step of providing services using an information management node. Invention H is directed to a method comprises the step of providing services to users via network.

3. These inventions are distinct for the reasons given above, and the search required for each Group is different and not co-extensive for examination purpose. For example, the searches for the four inventions would not be co-extensive because these groups would require different searches on PTO's classification class and subclass as following:

(a) the Group A search (claims 1-12) would require use of search **Class 709, subclass 226.**

(b) the Group B search (claims 13-37) would require use of search **Class 719, subclass 332.**

(c) the Group C search (claims 38-57) would require use of search **Class 709, subclass 229.**

(d) the Group D search (claims 58-72) would require use of search **Class 719, subclass 318.**

(e) the Group E search (claims 73-83) would require use of search **Class 709, subclass 223**.

(f) the Group F search (claims 84-103) would require use of search **Class 709, subclass 238**.

(g) the Group G search (claims 104-138) would require use of search **Class 709, subclass 231**.

(h) the Group H search (claims 139-167) would require use of search **Class 709, subclass 212**.

4. A telephone call was made to Mr. William W. Anders (Reg. 41,735) on September 9, 2004 to address a possibility of restriction requirement, but did not result in an oral election being made.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

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5. Applicant is reminded that the required for response to this requirement is 30 days, not one month.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306-5932. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

September 17, 2004

  
JOHN FOLLANSBEE  
SUPERVISOR EXAMINER  
TECHNOLOGY CENTER 2100